

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

JULIE ANN RENO,

Respondent,

v.

JASON C. RENO,

Appellant.

DOCKET NUMBER WD77923

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: May 26, 2015

APPEAL FROM

The Circuit Court of Pettis County, Missouri
The Honorable R. Paul Beard, Judge

JUDGES

Division One: Welsh, P.J., and Newton and Mitchell, JJ.

CONCURRING.

ATTORNEYS

Carmen L. Smith
Sedalia, MO

Attorney for Respondent,

Michael P. Cohan
St. Louis, MO

Attorney for Appellant.

court, either upon motion of a party or *sua sponte*, should order the pleadings amended to conform to the evidence and appoint a guardian ad litem.

4. Parents have standing to challenge the failure to appoint a guardian ad litem, even when the parent's own abuse is alleged, because if we do not give parents standing to raise this issue, the interests of children may not receive the protection they deserve.
5. In addressing a motion to modify custody, allegations of conduct that took place only during the marriage, without any allegation that such conduct is ongoing, is insufficient to mandate the appointment of a guardian ad litem.
6. General allegations, lacking in specificity, do not raise a claim of neglect or abuse. Nor does a claim that a child has been "struck," where the allegation contains no indication of the severity of the strike or any assertion that the child was injured in any way, that the conduct happened more than once, that the parent was even present during the incident, or that the parent responded inappropriately to the alleged strike, state a claim of abuse sufficient to mandate the appointment of a guardian ad litem.
7. It is the duty of an appellant to furnish a transcript containing a record of proceedings which he desires to have reviewed. In the absence of such record, it is impossible to review Father's claim that he presented evidence of Mother's abuse and neglect of the children.
8. The trial court's mentioning a number of instances of poor parenting on Father's part, or in which he has been mentally abusive of Mother, is not a finding that Father has abused or neglected the children.
9. The trial court's judgment does not support Father's claim that he presented evidence of Mother's abuse and neglect where the judgment references Father making "allegations," of Mother committing abuse and neglect, but does not refer to Father actually producing evidence of abuse or neglect.

Opinion by: Karen King Mitchell, Judge

May 26, 2015

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THIS SUMMARY IS **UNOFFICIAL** AND SHOULD NOT BE QUOTED OR CITED.